

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
JON DEVOL,  
a/k/a JOHN ATKINS,  
Defendant.

CASE NO. 3:21-cr-00049-TMR

JUDGE ROSE

GOVERNMENT'S SENTENCING  
MEMORANDUM

The Defendant has dozens of prior criminal convictions and he impersonated his elderly mother in order to steal \$58,782 from the Social Security Administration. The United States recommends a sentence of 15 months of imprisonment.

*The Guideline Range*

The government's recommended sentence conforms with the advisory guideline sentencing range. See 18 U.S.C. § 3553(a)(4). In this case, the range is 15 to 21 months. (Presentence report (PSR) ¶ 152). The government is recommending a sentence at the low end of this range, which is what the government agreed to recommend in paragraph 8 of the plea agreement.

*The Defendant's Lengthy Criminal Record*

A 15-month prison sentence would help to protect the public from further crimes of the defendant. See 18 U.S.C. § 3553(a)(2)(C). This defendant has dozens of prior criminal convictions spanning his entire adult life, including cocaine distribution, theft, assault with a deadly weapon, robbery with use of force, breaking and entering, forgery, and domestic violence,

to name a few. (PSR ¶¶ 40-74). He committed the instant offense while he was already on probation in two other criminal cases. (PSR ¶ 76). He violated his bond in this case by, among other things, testing positive for cocaine on August 9, 2021. (PSR ¶ 17). A 15-month prison sentence is well justified.

*The Nature, Circumstances, and Seriousness of the Offense*

The nature, circumstances, and seriousness of the offense justify the government's recommended sentence. See 18 U.S.C. § 3553(a)(1), (a)(2)(A). The Defendant stole \$58,782 from the Social Security Administration by impersonating his elderly mother in order to keep collecting his deceased father's benefits. (PSR ¶¶ 18-21). He even went so far as to call the Social Security Administration, impersonate his elderly mother, and falsely state that his father was still alive. (PSR ¶ 21). This fraudulent conduct justifies a 15-month prison sentence.

*Deterrence*

The need to promote respect for the law, to provide just punishment for the offense, and to afford adequate deterrence to criminal conduct justify the government's recommended sentence. See 18 U.S.C. § 3553(a)(2)(A)-(B). The Social Security Administration pays Old-Age, Survivors, Disability benefits to more than 64 million recipients.<sup>1</sup> With so many beneficiaries, opportunities for fraud are numerous. Although the Social Security Administration's Office of Inspector General actively detects and investigates these cases, the Courts also have a role to play. By imposing meaningful punishments for those who steal from Social Security, the Court can deter others from stealing. For these reasons, a term of imprisonment is appropriate in this case.

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<sup>1</sup> See Social Security Beneficiary Statistics, <https://www.ssa.gov/oact/STATS/OASDIbenies.html>.

*Conclusion*

In light of the defendant's substantial criminal record and the extent of his fraudulent conduct, the Court should impose the government's recommended sentence.

**Respectfully submitted,**

VIPAL J. PATEL  
ACTING UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served on September 2, 2021 on all counsel of record with the CM/ECF system.

*s/ Timothy Landry*  
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TIMOTHY LANDRY (MA 669554)  
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